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FILED

JAN 20 2009

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

10 Attorneys for Plaintiff
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12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION
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16 UNITED STATES OF AMERICA,) CR No. 09-70014 EDL
17 Plaintiff,) STIPULATION AND [PROPOSED] ORDER
18 v.) EXCLUDING TIME UNDER FED. R. CRIM.
19 MATTHEW ROBINSON,) P. 5.1 and 18 U.S.C. § 3161
20 Defendant.)
21

22 On January 21, 2009, the parties in this case appeared before the Court for the
23 defendant's initial appearance. At that time, the parties requested, and the Court agreed, to set
24 the date for the defendant's preliminary hearing or arraignment at the next appearance. The
25 parties now request that pursuant to Federal Rule of Criminal Procedure ("FRCP") 5.1(d), the
26 time limits set forth in FRCP 5.1(c) be extended through February 18, 2009. The parties agree
27 that, taking into account the public interest in prompt disposition of criminal cases, good cause
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1 exists for this extension.

2 The defendant also agrees to exclude for this period of time any time limits applicable
3 under 18 U.S.C. § 3161. The parties represented that granting the continuance was the
4 reasonable time necessary for continuity of defense counsel. 18 U.S.C. § 3161(h)(8)(B)(iv). The
5 parties also agreed that the ends of justice served by granting such a continuance outweighed the
6 best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A).

7 SO STIPULATED:

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9 JOSEPH P. RUSSONIELLO
United States Attorney

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11 DATED: January 23, 2009 _____ /s/
12 TAREK J. HELOU
Assistant United States Attorney

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14 DATED: January 23, 2009 _____ /s/
15 JUDD C. IVERSEN
Attorney for MATTHEW ROBINSON

16 For the reasons stated above, the Court finds that the extension of time for the defendant's
17 preliminary hearing or arraignment through February 18, 2009 is warranted and that the ends of
18 justice served by the continuance outweigh the best interests of the public and the defendant in a
19 speedy trial. 18 U.S.C. §3161 (h)(8)(A); FRCP 5.1(d). The failure to grant the requested
20 continuance would deny the defendant effective preparation of counsel, and would result in a
21 miscarriage of justice. 18 U.S.C. §3161(h)(8)(B)(iv).

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23 SO ORDERED.

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25 DATED: Jan 25, 2009 
26 THE HONORABLE ELIZABETH D. LAPORTE
United States Magistrate Judge